

SENATE CHAMBER }
AUSTIN, TEXAS, Friday, March 10, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Absent—Senators Dillard and Shannon.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal was dispensed with.

Message from the House by Chief Clerk transmitting for signature the following enrolled bills:

House bill No. 68, "An act to incorporate the town of Millican, county of Brazos."

Also, House bill No. 261, "An act to incorporate the city of Hempstead, county of Austin."

Enrolled bills signed by the President and returned to the House.

PETITIONS AND MEMORIALS.

By Senator Bowers: Protest of certain citizens of Williamson county against incorporating the town of Circleville. Read and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 99, entitled "An act to incorporate the Bank of Cleburne," have carefully considered the same, and instruct me to report the same back with the following amendment, and recommend its passage, to-wit: Amend section three line thirteen, insert after the word "for" the following words, to-wit: "and ten per cent. of the same paid in."

S. W. FORD,
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, March 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 157, entitled "An act to incorporate the Dallas Gas Company," have carefully considered the same, and instruct me to report the same back with the following amendment, and recommend its passage: Amend section three, line two; strike out the word "fifty," and insert "one hundred."

S. W. FORD,
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, March 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 158, entitled "An act to incorporate the Houston Coopersage Manufacturing Company," have carefully considered the same, and instruct me to report the same back with the following amendment, and recommend its passage, to-wit: Amend section five, line twenty, strike out the word "five" and insert the word "one."

S. W. FORD,
Chairman.

Report read and laid over under the rules.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, March 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bills Nos. 131 and 210, "An act to organize and incorporate the San Antonio and Sherman Bridge Company," also an act to be entitled "An act to incorporate the San Gabriel Bridge Company," have the honor, after carefully considering the same, to report them back, and respectfully recommend their passage.

JOHN G. BELL,
Chairman.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Gaines: a bill (Senate bill No. 228) to be entitled "An act for the relief of Thomas G. Davidson." Read first time and referred to Committee on Claims and Accounts.

By Senator Baker: a bill (Senate bill No. 229) to be entitled "An act to incorporate the Star State Savings' Associations." Read first time and referred to Committee on Judiciary.

By Senator Evans: a bill (Senate bill No. 230) to be entitled "An act to incorporate the Grapevine Lodge No. 288, Free and Accepted Masons." Read first time and referred to Committee on State Affairs.

By Senator Saylor: a bill (Senate bill No. 231) to be entitled "An act to authorize the purchase of twenty thousand copies of a pamphlet by James M. Morphies." Read first time and referred to Committee on Finance.

By Senator Pyle: a bill (Senate bill No. 232) to be entitled "An act to incorporate the Dallas and Kaufman East Fork Bridge Company." Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Shannon: a bill (Senate bill No. 233) to be entitled "An act to incorporate the Stock Traders' Bank." Read first time and referred to Committee on State Affairs.

By Senator Cole: A bill (Senate bill No. 234) to be entitled "An act to incorporate the North Texas Land and Immigration Company." Read first time and referred to Committee on Immigration.

By Senator Hall: A bill (Senate bill No. 235) to be entitled "An act authorizing the Judge of the Thirty-first Judicial District to hold a special term of the District Court in Robertson county, Texas." Read first time.

On motion of Senator Mills, the rules were suspended, Senate bill No. 235 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Hall, the rules were further suspended, Senate bill No. 235 read third time and passed.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 9, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 165, "to incorporate the Tyler Real Es-

tate and Banking Association," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received, and the Secretary carried to the House for concurrence Senate bill No. 165.

By Senator Douglass: A bill (Senate bill No. 236) to be entitled "An act to incorporate the Tyler Cemetery Association." Read first time and referred to Committee on State Affairs.

GENERAL FILE.

Senate bill No. 72, "An act to incorporate the Hebrew Benevolent Association of Jefferson, Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were suspended and Senate bill No. 72 was read third time and passed.

Senate bill No. 98, an act to be entitled "An act authorizing and requiring the Commissioner of the Land Office to issue patents on bounty warrant No. 831." Read second time.

On motion of Senator Pyle, Senate bill No. 98 was referred to the Committee on Judiciary.

By leave, Senator Ruby submitted the following report of the Committee on Private Land Claims:

COMMITTEE ROOM,
AUSTIN, March 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred the "petition for the relief of Frances Montgomery, widow of James S. Montgomery," have had the same under careful consideration and I am instructed to report it back with the accompanying "bill for the benefit of James S. Montgomery, assignee of H. O. Harro," and respectfully recommend that said bill do pass.

G. T. RUBY,
Chairman.

Senate bill No. 237, "An act for the relief of James S. Montgomery, assignee of H. O. Harro." Report and bill read first time and laid over under the rules.

GENERAL FILE—Resumed.

Report of Committee on Contingent Expenses, recommending the

payment of account of James S. Trimble, for \$5, and account of Sampson & Henricks for \$610 60.

On motion of Senator Ruby, the report of the committee was adopted, and the accounts allowed.

Senate bill No. 97, an act to be entitled "An act authorizing Thomas C. Reedy to erect a toll bridge over the Cowleach fork of Sabine river, in Hunt county, Texas." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Flanagan, the rules were suspended, and Senate bill No. 97 read a third time, and passed.

Senate bill No. 113, "An act to authorize the erection of a toll bridge over Rush creek, in Navarro county, Texas." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Cole, the rules were suspended, Senate bill No. 113 read third time, and passed.

Senate bill No. 104, "An act for the relief of George W. G. Browne, late clerk of the Supreme Court of the State of Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bowers the rules were suspended, and Senate bill No. 104 read third time and passed, by the following vote:

Yeas—Mr. President, Bell, Bowers, Braughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—24.

Nays—None.

Senate bill No. 114, "An act to authorize the erection of a toll bridge over Richland creek, in Navarro county, Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Ruby the rules were suspended and Senate bill No. 114 read third time and passed.

Senate bill No. 129, "An act to authorize T. S. Garrison to erect a toll bridge over Atoyac river, in Rusk county, Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan the rules were suspended and Senate bill No. 129 read third time and passed.

Message from the House by Chief Clerk, transmitting for concurrence of the Senate the following bills:

House joint resolution No. 10, "Joint resolution authorizing the Secretary of State to present one Winchester carbine to each of the persons who overtook and killed four of a band of hostile Indians."

Also, House joint resolution No. 16, "Joint resolution making an appropriation and expressing the wish of the State touching the suit of John A. C. Gray, receiver, etc., vs. the Governor and Commissioner of the General Land Office."

Also, House bill No. 35, House bill "An act for the permanent location of the county seat of Van Zandt county, and designating the boundary lines of the same."

Also, House bill No. 63, "An act to incorporate the Mutual Aid Society of the city of Houston."

Also, House bill No. 135, "An act to incorporate the town of Linden, Davis county."

Also, House bill No. 139, "An act to incorporate the Liberty County, Texas, Agricultural and Mechanical Association."

Also, House bill No. 149, "An act to incorporate the Bryan Bridge Company, and allow them certain privileges therein named."

Also, House bill No. 250. "An act to authorize the city council of the city of New Braunfels to levy and collect a special tax."

Also, House bill No. 313, "An act giving the consent of the Legislature of the State of Texas to the purchase by the United States of land within the State, for public purposes."

Senator Pridgen moved a suspension of the rules to take from file House joint resolution No. 16, "Joint resolution making an appropriation and expressing the wish of the State touching the suit of John A. C. Gray, receiver, etc., *vs.* the Governor and Commissioner of the General Land Office."

Yeas and nays called for and the motion to suspend the rules was lost by the following vote:

Yeas—Bell, Bowers, Douglass, Ford, Pettit, Pickett, Pridgen, Pyle, Ruby, Tendick—10.

Nays—Mr. President, Braughton, Dohoney, Evans, Flanagan, Fountain, Gaines, Hall, Hillebrandt, Latimer, Mills, Parsons, Rawson, Saylor, Shannon—15.

GENERAL FILE--Resumed.

Senate bill No. 122, "An act to incorporate the Excelsior Bridge and Turnpike Company." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pyle, the rules were suspended and Senate bill No. 122 was read third time and passed.

Senate bill No. 68, to be entitled "An act to authorize the transmission of criminal process by telegraph, and for other purposes," read second time.

On motion of Senator Fountain, the following amendments, reported by the Committee on Judiciary, were adopted: Amend section seven, line nine, after the word "same," by striking out the words "so that the accused or guilty parties may evade the officers of the law;" amend section seven, line eleven, by inserting after the

word "shall" the words "upon conviction;" amend section seven, line fourteen, by striking out the word "and," and inserting the word "or;" amend by striking out section eight, and substituting the following in lieu thereof, "Sec. 8. This act shall take effect, and be in force from and after its passage."

Senate bill No. 68 ordered engrossed, and passed to a third reading as amended.

On motion of Senator Fountain, the rules were suspended, and Senate bill No. 68 read third time and passed.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas," the Senate resolved itself into Committee of the Whole.

IN SENATE.

Senator Dohoney, Chairman of the Committee of the Whole, having under consideration Senate bill No. 166, reported progress, and asked leave to sit again on Monday next, at 11 A. M.

Report received and leave granted.

Senator Pridgen moved a suspension of the rules to take from file House bill No. 56, "An act for the relief of Henry Koontz."

Motion to suspend the rules lost.

Under direction of the President, the Secretary carried to the House for concurrence Senate joint resolution No. 24, "Instructing our Senators and requesting our Representatives in Congress, to use their exertions to effect the removal of bands of Comanche and Kiowa Indians to a point at least one hundred and fifty miles from the civilized settlements or organized counties in Texas."

Also, informing the House the Senate had passed House bill No. 261, "An act to incorporate the city of Hempstead, in the county of Austin."

GENERAL FILE—Resumed.

Senate bill No. 58, to be entitled "An act to incorporate the Alta Vista Female Seminary in Austin county, Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were suspended and Senate bill No. 58 read third time and passed.

Senator Hall moved a suspension of the rules to take from file Senate bill No. 201, to be entitled "An act to authorize the county court of Robertson county to levy and collect a special tax for the term of two years, to build a court house and jail at Calvert, the county seat of said county." Motion to suspend the rules lost.

By leave, Senator Bowers introduced a bill (Senate bill No. 238)

to be entitled "An act to amend an act entitled 'an act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules.'" Read first time and referred to Committee on Judiciary.

By leave, Senator Fountain introduced a bill (Senate bill No. 239) to be entitled "An act exempting telegraphic operators in this State from serving on juries and in the State Militia." Read first time and referred to Committee on Judiciary.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 55, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856," and to repeal an act entitled "An act to amend articles 412 and 418 of an act to adopt and establish a penal code for the State of Texas, approved December 13, 1863."

On further motion it was referred to the Committee on Judiciary.

GENERAL FILE—Resumed.

Senate bill No. 130, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the immediate vicinity of Circleville, Williamson county, Texas." Read second time.

Senator Bowers asked leave to withdraw protest of certain citizens of Williamson county against the incorporation of the town of Circleville introduced by him to-day. There being no objections, leave was granted and the protest withdrawn.

Senate bill No. 130 ordered engrossed and passed to a third reading.

On motion of Senator Bowers, the rules were suspended and Senate bill No. 130 read third time and passed.

Senate bill No. 51, to be entitled "An act amendatory of article 263 of the Code of Criminal Procedure," read second time, ordered engrossed and passed to a third reading.

On motion of Senator Fountain, the rules were suspended and Senate bill No. 51 was read third time and passed.

By leave, Senator Bowers presented an account of L. D. Sanders as witness before the Committee on Privileges and Elections for sixty dollars (\$60).

Senator Mills moved that the account be allowed, which motion was adopted.

Senator Ruby moved to reconsider the motion allowing the account. Motion to reconsider adopted.

On motion on Senator Mills, the account of L. D. Sanders was allowed and Senator Baker was authorized to draw the same.

Senator Tendick moved a suspension of the rules to take from file

Senate bill No. 178, to be entitled "An act to repeal an act approved August 10, 1870, entitled 'an act to amend an act incorporating Herman University,' approved January 27, 1844, as amended by an act passed April 11, 1846." Motion to suspend the rules lost.

GENERAL FILE—Resumed.

Senate bill No. 105, to be entitled "An act for the relief of the heirs of James C. Eccles." Read second time.

On motion of Senator Mills, the Senate adjourned to 10 A. M., to-morrow.
